

ED

<b>Notice of Allowability</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/750,541	YEE ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Pavitra Kotini	3731	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

- 1. ☒ This communication is responsive to 2/2/07.
- 2. ☒ The allowed claim(s) is/are 1-22.
- 3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All    b) ☐ Some\*    c) ☐ None    of the:
  - 1. ☐ Certified copies of the priority documents have been received.
  - 2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

- 4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  - 5. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
- 6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |                                                                                                            |                                                                                        |
|------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------|
| 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 5. <input type="checkbox"/> Notice of Informal Patent Application                      |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 6. <input type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),<br>Paper No./Mail Date _____    | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment                    |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance   |
|                                                                                                            | 9. <input type="checkbox"/> Other _____.                                               |

### **EXAMINER'S AMENDMENT**

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Attorney Lindquist on 5/2/07.

The application has been amended as follows:

Claim 1, line 7, after "positioned on said balloon," add – completely--.

Claim 10, line 10, after "balloon," add – completely --.

Claim 18, line 8, after "wherein said pad is positioned on said balloon," add – completely --.

### ***Reasons for Allowance***

The following is an examiner's statement of reasons for allowance:

The primary reason for allowance is that the prior art of record does not appear to disclose or suggest the combination of limitations including a balloon having at least one incising component positioned on the surface of the balloon and having a pad (as protective means), also on the balloon surface, that is parallel to and juxtaposed with the incising component. Furthermore, the pad is completely spaced apart from the incising component. The claim further requires the incising component to engage the

pad in the deflated configuration and be removed from engagement with the pad in the inflated configuration.

The closest prior art is O'Brien (US-2005/0119678), which is by the same inventive entity. This patent discloses a blade and a sheath (pad), spaced apart from each other, on the surface of the balloon. However, there is no teaching or suggestion of the blade being in connection with the sheath during the deflated state and disengaged from the sheath during the inflated state.

Another prior art of record is Vigil et al. (US-5320634) which discloses an incising component and a pad, where the pad engages the incising component in the deflated configuration, but the incising component is not removed from the pad while in the inflated configuration.

Another reference, Vigil et al. (US-2005/0137616) also discloses a blade and a sheath on the surface balloon, wherein during the deflated configuration the sheath is engaged with the blade. During the inflated configuration, the sheath disengages with the blade, but is still connected to the blade. Therefore, this reference does not meet the limitation of the sheath (pad) being completely spaced apart from the incising component.

Some of the other prior art such as Radisch (US-6632231), Barath (US-5616149), O'brien (US-7008438), Imran (US- 5766203), Lary (US-3606151), and Jenusaitis et al. (US-6562062) disclose balloons with incising components, but fail to disclose a pad on the surface of the balloon, that is completely separated from the

incising component, and engages the incising component when deflated and disengages from the incising component when inflated.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Pavitra Kotini whose telephone number is 571-272-0624. The examiner can normally be reached on M-F 8:30am to 6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anhtuan Nguyen can be reached on 571-272-4963. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a


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USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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(JACKIE) TAN-UYEN HU  
PRIMARY EXAMINER  
5/14/07